



CITY OF ELY

501 Mill Street Ely, Nevada 89301

City Hall (775) 289-2430

Cityofelynv.gov

ELY MUNICIPAL UTILITIES BOARD REGULAR MEETING

March 9, 2023, 8:00 a.m. – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada

1. Chairman O’Flaherty called the regular meeting of the Municipal Utilities Board to order at **8:00 a.m.**, led in the Pledge of Allegiance and asked for Roll Call.

Members present:

Chairman John O’Flaherty
Vice Chairman Dale Derbidge
Member Ken Ross
Member Greg Rivero

Members absent:

Member Sherrie Marquez

City Officials and staff present:

Councilman Kurt Carson
City Clerk Jennifer Lee
City Treasurer-HR Director Janette Trask
City Public Works Supervisor Mike Cracraft
City Attorney Leo Cahoon
City Engineer B.J. Almberg
Administrative Assistant Patti Cobb

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears below): None

MUNICIPAL UTILITIES BOARD ATTENDANCE LIST

DATE: March 9, 2023

Print name below

George Chachas

Print name below

2. PUBLIC COMMENT:

George Chachas stated I am requesting a copy of the permit the City had to obtain to dig into the street at the intersection of Aultman Street and Ely Avenue to conduct the water or sewer line repair on March 5, 2023. Mr. Chachas stated ongoing concerns regarding his request for reimbursement for the sewer problem he took care of at his property located at 681 Parker Avenue; If the City ever collected in full for water, sewer and landfill services from the Historical Railroad when they owned the White Pine Trailer Park; collected in full from the Garnett Mercantile; collected in full from NDI when former Bob Miller was contracting; If Ed Spear has paid for a permit for the lot he owns on Mill Street and paying any utilities for said lot; the billing on his property located at 490 High Street; and his request for contracts regarding the Murry Street Project Phases II and III.

3. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE UTILITY BOARD.

A. CONSENT AGENDA

Moved by: Vice Chairman Derbidge Second by: Member Rivero Vote: Unanimous

1. Discussion/For Possible Action –Minutes.
 - January 12, 2023

B. OLD BUSINESS

1. Board Members – *Robinson Nevada Mining Company* (RNMC) representative – Discussion only – Update to the Utility Board on the *Robinson Nevada* Development, Ruth Pit Development and water mitigation efforts within the City of Ely.

City Clerk Lee read the following email into the record:

Jennifer Lee

From: Frederick Partey <Frederick.Partey@us.kghm.com>
Sent: Wednesday, March 8, 2023 4:38 PM
To: Jennifer Lee
Cc: Amanda Hilton
Subject: Utility Board Meeting- 3/9/2023

Hello Jennifer,

I will not be able to attend tomorrow utility board meeting, I am by this email providing you an update on "Old Business" Item B 1. *Ruth Pit development and water mitigation efforts within the City of Ely.*

Robinson continue to mine from the Ruth pit complex, here is the breakdown of fresh water dewatering effort from the South block.

About 7,277 gpm is being pumped, 1500 gpm is going into Gleason Creek and the rest is going to the mill for ore processing. RW-7P- is delivering 1,152 gpm into the city water system.

Please let me know if the utility board has any questions.

Thanks,

Frederick Partey (PhD, PMP)
Senior Manager Environmental
Resources-US Operations
T +1 775 289 7040
C +1 775 293 5261
frederick.partey@us.kghm.com



Robinson Mine
4232 West White Pine County Rd 44
Ruth, NV 89319 USA
www.kghm.com

Member Derbidge asked with that much going down Gleason Creek are we going to have a problem? It is quite a bit less than it used to be years ago.

Councilman Carson stated it is quite a bit less and it is being closely monitored.

C. NEW BUSINESS

Chairman O’Flaherty opened items one through ten together.

1. Board Members – City Clerk Lee - Discussion/For Possible Action – Recommendation to remove past due utility fee penalties up to the amount of \$690.58 from Baker Ranch FS #1 Mobile Home, Baker, Nevada at the request of Property owner, William F. Ilchick.
2. Board Members – City Clerk Lee - Discussion/For Possible Action – Recommendation to remove past due utility fee penalties up to the amount of \$282.33 from 12 Daly Street, Ruth, Nevada at the request of Property owner, Kelvin Laird.
3. Board Members – City Clerk Lee - Discussion/For Possible Action – Recommendation to remove past due utility fee penalties up to the amount of \$282.33 from 14 Daly Street, Ruth, Nevada at the request of Property owner, Kelvin and Kathern Laird.
4. Board Members – City Clerk Lee - Discussion/For Possible Action – Recommendation to remove past due utility fee penalties up to the amount of \$546.05 from 17 North Fourth Street, McGill, Nevada at the request of Property owner, Duane Wilson.
5. Board Members – City Clerk Lee - Discussion/For Possible Action – Recommendation to remove past due utility fee penalties up to the amount of \$546.05 from 19 North Fourth Street, McGill, Nevada at the request of Property owner, Duane Wilson.
6. Board Members – City Clerk Lee - Discussion/For Possible Action – Recommendation to remove past due utility fee penalties up to the amount of \$1,435.58 from 17 Mahogany Street, Ruth, Nevada at the request of Summer Rene Hauser Power of Attorney of deceased Property owner, Michael Hauser.
7. Board Members – City Clerk Lee - Discussion/For Possible Action – Recommendation to remove past due utility fee penalties up to the amount of \$353.13 from 31 N. Cedar Street, Cherry Creek, Nevada at the request of Property owner, Armando Honorato and Carlos Acovedo.
8. Board Members – City Clerk Lee - Discussion/For Possible Action – Recommendation to remove past due utility fee penalties up to the amount of \$78.36 from 2584 North 35 West, Ely, Nevada at the request of Property owner, Jenny Lynn Dawson.
9. Board Members – City Clerk Lee - Discussion/For Possible Action – Recommendation to remove past due utility fee penalties up to the amount of \$128.30 from

2 Sixth Street, McGill, Nevada at the request of Property owner, Scott Rogan.

10. Board Members – City Clerk Lee - Discussion/For Possible Action – Recommendation to remove past due utility fee penalties up to the amount of \$318.60 from 13 avenue G, Ely, Nevada at the request of Property owners, Erik and Patricia Maurer.

Member Ross moved to recommend approval to remove past due utility fee penalties up to the amount of \$690.58 from Baker Ranch FS #1 Mobile Home, Baker, Nevada at the request of Property owner, William F. Ilchick. Member Rivero seconded the motion. The motion carried unanimously.

Member Ross moved to recommend approval to remove past due utility fee penalties up to the amount of \$282.33 from 12 Daly Street, Ruth, Nevada at the request of Property owner, Kelvin Laird. Member Rivero seconded the motion. The motion carried unanimously.

Member Ross moved to recommend approval to remove past due utility fee penalties up to the amount of \$282.33 from 14 Daly Street, Ruth, Nevada at the request of Property owner, Kelvin and Kathern Laird. Member Rivero seconded the motion. The motion carried unanimously.

Member Ross moved to recommend approval to remove past due utility fee penalties up to the amount of \$546.05 from 17 North Fourth Street, McGill, Nevada at the request of Property owner, Duane Wilson. Member Rivero seconded the motion. The motion carried unanimously.

Member Ross moved to recommend approval to remove past due utility fee penalties up to the amount of \$546.05 from 19 North Fourth Street, McGill, Nevada at the request of Property owner, Duane Wilson. Member Rivero seconded the motion. The motion carried unanimously.

Member Ross moved to recommend approval to remove past due utility fee penalties up to the amount of \$1,435.58 from 17 Mahogany Street, Ruth, Nevada at the request of Summer Rene Hauser Power of Attorney of deceased Property owner, Michael Hauser. Member Rivero seconded the motion. The motion carried unanimously.

Member Ross moved to recommend approval to remove past due utility fee penalties up to the amount of \$353.13 from 31 N. Cedar Street, Cherry Creek, Nevada at the request of Property owner, Armando Honorato and Carlos Acovedo. Member Rivero seconded the motion. The motion carried unanimously.

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Member Ross moved to recommend approval to remove past due utility fee penalties up to the amount of \$128.30 from 2 Sixth Street, McGill, Nevada at the request of Property owner, Scott Rogan. Member Rivero seconded the motion. The motion carried unanimously.

Member Ross moved to recommend approval to remove past due utility fee penalties up to the amount of \$318.60 from 13 Avenue G, Ely, Nevada at the request of Property owners, Erik and Patricia Maurer. Member Rivero seconded the motion. The motion carried unanimously.

PUBLIC COMMENT

George Chachas stated I want to remind you that I paid the principle and penalties in full on my property at 490 High Street and I didn't get the same consideration that you are giving these other people. I am not against the write offs, but I want equal consideration and protection under the law. I paid as I was instructed by Jennifer Lee in a written letter and yet, here I am supposedly owing \$1,900.00. I also want to remind you that I have yet to be put on the agenda or be reimbursed for the overpayment I made on the old Ely Grade School when I bought the property. The City gave consideration to Mr. Bath when he bought the plaza and here I am years later waiting for a reimbursement. I want my money.

4. CITY DEPARTMENT REPORTS

➤ **COUNCILMAN CARSON**

Councilman Carson stated I would like to give kudos to the water department. They have had a lot of long cold nights with water breaks the last month and they are doing a great job and the best they can.

➤ **CITY CLERK LEE**

City Clerk Lee stated the income surveys didn't have a good response rate for our CDBG projects. The LMI came in over the required fifty one percent, so we were not able to apply for either one of those. Hopefully we can get those projects funded another way. B.J. can elaborate on his efforts in trying to get them to change their designation.

➤ **CITY ATTORNEY CAHOON**

City Attorney Cahoon stated the latest update with RNMC's Gleason Creek discharge is we did receive the NDEP Notice of Decision and based on that I will be sending out a letter to RNMC to remind them of the MOU and the EAP we have with them with some proposed changes to the EAP. I will hopefully be sending that tomorrow and hopefully be able to work with them to form a plan and an agreement going forward especially with the winter runoff.

➤ **CITY ENGINEER ALMBERG**

City Engineer AlMBERG stated to elaborate on what Jennifer just said we don't agree with the LMI areas that are currently out there. Our LMI areas have changed and there is no

reason for those changes. I believe they got them flipped so areas that used to be LMI and areas that are not LMI have switched. I think there is something wrong in how they came up with that. We are compiling some of our old information to come back and say there is nothing that has changed in our community that would support these results so we don't agree. We want to work with them to see if we can get that fixed because we have been dealing with it through the last several CDBG applications and were successful because Nevada Rural Water would go out and actually do surveys for us. This year they just didn't get enough responses. USDA was in town yesterday and we talked to them about the LMI areas and what they told us was hang on because very shortly some new LMI mapping is going to come out prior to our next round of applications. Yesterday we had a Zoom meeting with the PORTER Group and our two senators back in Washington on this coming year's earmark projects. I think that meeting went very well. We are still very preliminary in the process as we haven't even put in our applications yet. We are working very diligently to get all of those things compiled because I believe Friday is the day they want them in. Once they are into the committee they still allow us to make some modifications. We just got word back on our CDBG Bell Avenue Project and they are good with the EA that we completed. We now just have to go ahead and advertise and align the FONSI (Finding of No Significant Impact) in the local newspaper just showing what the results of that were and wait the thirty days and then they will probably cut us loose. Our Central Ely Project is going to be right behind the Bell Avenue Project and we will proceed on the same path. We completed an exhibit regarding the City owned park on Belfort. The park is vacant and the City after looking at the exhibit may possibly auction or sell it for future development. Our Landfill Runoff Ditch Invitation to Bid has been out for about a week and so far, we have had four contractors pick up the plans for that. We hope to have that on next month's agenda for award. The other thing we have been working on is our MOU in closing out the Murry Street Sewer Project with SHPO. The project has been done for a while we are just wrapping up the paperwork.

Member Ross asked what is the size of the Belfort Avenue Park lot?

City Engineer Almberg stated off the top of my head I think it was approximately 1.1 acre.

Chairman O'Flaherty asked do we have any runoff or overflow out of the tanks at this point in time?

City Engineer Almberg stated yes, I think there is still runoff. I didn't come in that way this morning, but pretty sure there is runoff because as I watch the SCADA it is always basically full.

5. PUBLIC COMMENT:

George Chachas stated in regard to the reimbursement on Parker Avenue I want to remind you that this Board on November 10, 2022 approved a sewer line extension on a property that was close to \$10,000.00 and I want equal consideration. Mr. Chachas stated ongoing concerns regarding the drainage onto his property from the Bath's property that is causing erosion on his property due to the lack of curb and gutter, the estimate he received from Reck Brothers to repair the damage is \$24,500.00 and waiting on two other estimates; his request for a list of permitted RVs in the City and if they are paying utilities; and his request for the alleged discrimination to stop.

City Clerk Lee stated the next meeting is scheduled for April 13, 2023.

6. ADJOURNMENT: THE MEETING MAY BE ADJOURNED BY APPROPRIATE MOTION OF THE MUNICIPAL UTILITY BOARD

Chairman O'Flaherty adjourned the regular meeting of the Municipal Utilities Board at **8:23 a.m.**

Chairman

Attest